

SENATE BILL No. 271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-9-8; IC 36-8.

Synopsis: Joint chiefs of public safety. Provides that the city executive of a third class city may appoint a joint chief of public safety (joint chief) instead of appointing both a fire chief and police chief. Requires the city executive to designate the joint chief as a member of the fire or police department. Establishes requirements for appointment as a joint chief of public safety. Specifies that a joint chief who otherwise qualifies for participation in the 1977 police officers' and firefighters' pension and disability fund may participate in the fund. Makes conforming amendments.

Effective: July 1, 2010.

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January 11, 2010, read first time and referred to Committee on Local Government.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 271

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-4-9-8, AS AMENDED BY P.L.141-2009,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 8. (a) This section applies only to third class
4 cities.
5 (b) The city executive shall appoint:
6 (1) a city civil engineer;
7 (2) a city attorney;
8 (3) a chief of the fire department;
9 (4) a chief of the police department; and
10 (5) other officers, employees, boards, and commissions required
11 by statute.
12 **However, the city executive may appoint a joint chief of public**
13 **safety under subsection (e) instead of appointing both a chief of the**
14 **fire department under subdivision (3) and a chief of the police**
15 **department under subdivision (4).**
16 (c) The board of public works and safety consists of three (3) or five
17 (5) members (as determined by the city executive). The members of the



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board of public works and safety are:

(1) the city executive; and

(2) two (2) or four (4) persons appointed by the executive.

If the executive increases the number of board members from three (3) to five (5) members or decreases the number of board members from five (5) to three (3) members, the city shall publish notice under IC 5-3-1 of the increase or decrease in members and state the total number of members appointed to the board. IC 36-4-4-2 notwithstanding, a member may hold other appointive or elective positions in city government during the member's tenure. IC 36-4-11-2 applies to board member appointments under this section. The city clerk is the clerk of the board.

(d) If the city legislative body adopts an ordinance under IC 36-4-12 to employ a city manager, the executive may appoint the city manager to a position on the board of public works and safety in place of the executive.

(e) The city executive may appoint a joint chief of public safety to serve as both the city police chief and the city fire chief. If a city executive appoints a joint chief of public safety, the city executive shall designate the joint chief of public safety as a member of the fire department or the police department for purposes of this article.

SECTION 2. IC 36-8-1-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 6.1. "Joint chief" refers to the joint chief of public safety appointed by the executive of a third class city under IC 36-4-9-8(e).**

SECTION 3. IC 36-8-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 8. "Member of the fire department" means the fire chief, the joint chief, or a firefighter appointed to the department.**

SECTION 4. IC 36-8-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) Except as provided in subsection (b), "member of the police department" means the police chief, the joint chief, or a police officer appointed to the department.**

(b) "Member of the police department", for purposes of IC 36-8-4-7, does not include the police chief hired under a waiver under IC 36-8-4-6.5(c).

SECTION 5. IC 36-8-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12. "Upper level policymaking position" refers to the position held by the joint chief, police chief, or fire chief and to each position held by the members of**

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the police department or fire department in:

(1) the next rank and pay grade immediately below the chief, if the authorized size of the department is:

(A) more than ten (10) but less than fifty-one (51) members, in the case of a police department; or

(B) more than ten (10) but less than two hundred one (201) members, in the case of a fire department; or

(2) the next two (2) ranks and pay grades immediately below the chief, if the authorized size of the department is:

(A) more than fifty (50) members, in the case of a police department; or

(B) more than two hundred (200) members, in the case of a fire department.

SECTION 6. IC 36-8-3-3, AS AMENDED BY P.L.169-2006, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) A majority of the members of the safety board constitutes a quorum. The board shall adopt rules concerning the time of holding regular and special meetings and of giving notice of them. The board shall elect one (1) of its members chairman, who holds the position as long as prescribed by the rules of the board. The board shall record all of its proceedings.

(b) The members of the safety board may act only as a board. No member may bind the board or the city except by resolution entered in the records of the board authorizing the member to act in its behalf as its authorized agent.

(c) The safety board shall appoint:

(1) the members and other employees of the police department other than those in an upper level policymaking position;

(2) the members and other employees of the fire department other than those in an upper level policymaking position;

(3) a market master; and

(4) other officials that are necessary for public safety purposes.

(d) The annual compensation of all members of the police and fire departments and other appointees shall be fixed by ordinance of the legislative body not later than September 30 of each year for the ensuing budget year. The ordinance may grade the members of the departments and regulate their pay by rank as well as by length of service. If the legislative body fails to adopt an ordinance fixing the compensation of members of the police or fire department, the safety board may fix their compensation, subject to change by ordinance.

(e) The safety board, subject to ordinance, may also fix the number of members of the police and fire departments and the number of

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1 appointees for other purposes and may, subject to law, adopt rules for
 2 the appointment of members of the departments and for their
 3 government.

4 (f) The safety board shall divide the city into police precincts and
 5 fire districts.

6 (g) **This subsection applies to a city that has a police chief and**
 7 **a fire chief.** The police chief has exclusive control of the police
 8 department, and the fire chief has exclusive control of the fire
 9 department, subject to the rules and orders of the safety board. In time
 10 of emergency, the police chief and the fire chief are, for the time being,
 11 subordinate to the city executive and shall obey the city executive's
 12 orders and directions, notwithstanding any law or rule to the contrary.

13 (h) **This subsection applies to a third class city that has a joint**
 14 **chief of public safety appointed under IC 36-4-9-8(e). The joint**
 15 **chief has exclusive control of the police department and the fire**
 16 **department, subject to the rules and orders of the safety board. In**
 17 **time of emergency, the joint chief is, for the time being,**
 18 **subordinate to the city executive and shall obey the city executive's**
 19 **orders and directions, notwithstanding any law or rule to the**
 20 **contrary.**

21 SECTION 7. IC 36-8-4-6 IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) This section applies only to:

23 (1) police departments in second and third class cities having a
 24 population of ten thousand (10,000) or more; and

25 (2) fire departments in second and third class cities;

26 that are not governed by a merit system prescribed by statute or
 27 ordinance. **This section does not apply to a joint chief of public**
 28 **safety appointed under IC 36-4-9-8(e).**

29 (b) Promotion of police officers or firefighters must be from the
 30 active personnel of the department.

31 (c) A person appointed fire chief must have had at least five (5)
 32 years of continuous service with the department immediately before ~~his~~
 33 **the person's** appointment. However, this requirement may be waived
 34 by a majority vote of the city legislative body upon request of the city
 35 executive, although the person must still have at least five (5) years
 36 service with a full-time, paid fire department or agency.

37 (d) A person appointed to a rank other than police or fire chief or
 38 deputy police chief must have had at least two (2) years of continuous
 39 service with the department immediately before ~~his~~ **the person's**
 40 appointment.

41 SECTION 8. IC 36-8-4-6.5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6.5. (a) This section

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1 applies to the appointment of a police chief or deputy police chief in all
 2 cities. **This section does not apply to the appointment of a joint**
 3 **chief of public safety under IC 36-4-9-8(e).**

4 (b) An applicant must meet the following requirements:

- 5 (1) Have five (5) years of service as a police officer with a
- 6 full-time, paid police department or agency.
- 7 (2) Be a citizen of the United States.
- 8 (3) Be a high school graduate or equivalent.
- 9 (4) Be at least twenty-one (21) years of age.
- 10 (5) Be free of mental illness.
- 11 (6) Be physically fit.
- 12 (7) Have successfully completed the minimum basic training
- 13 requirements established by the law enforcement training board
- 14 under IC 5-2-1, or have continuous service with the same
- 15 department to which the applicant was appointed as a law
- 16 enforcement officer before July 6, 1972.

17 (c) In addition to the requirements of subsection (b), an applicant for
 18 appointment as police chief or deputy police chief must have at least
 19 five (5) years of continuous service with the police department of that
 20 city immediately before the appointment. This requirement may be
 21 waived by the city executive.

22 SECTION 9. IC 36-8-4-6.6 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2010]: **Sec. 6.6. (a) A person appointed as joint chief of public**
 25 **safety under IC 36-4-9-8(e) must meet the following requirements:**

- 26 (1) **Be an active member of a police or fire department.**
- 27 (2) **Have at least five (5) years of service with:**
- 28 (A) **a police department;**
- 29 (B) **a fire department; or**
- 30 (C) **a police department and a fire department combined.**

31 (b) **Except as otherwise provided, a joint chief is considered a**
 32 **member of the police department or the fire department, as**
 33 **designated by the city executive under IC 36-4-9-8(e).**

34 SECTION 10. IC 36-8-4-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 7. (a) A person may not**
 36 **be appointed as a member of the police department or fire department**
 37 **after the person has reached thirty-six (36) years of age. A person may**
 38 **be reappointed as a member of the department only if the person is a**
 39 **former member or a retired member not yet receiving retirement**
 40 **benefits of the 1925, 1937, 1953, or 1977 fund and can complete**
 41 **twenty (20) years of service before reaching sixty (60) years of age.**

42 (b) This section does not apply to:

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(1) a fire chief appointed under a waiver under section 6(c) of this chapter; ~~or~~

(2) a police chief appointed under a waiver under section 6.5(c) of this chapter; **or**

(3) a joint chief of public safety appointed under IC 36-4-9-8(e).

(c) A person must pass the aptitude, physical agility, and physical examination required by the local board of the fund and by IC 36-8-8-19 to be appointed or reappointed as a member of the department.

(d) A fire chief appointed under a waiver under section 6(c) of this chapter, ~~or a police chief appointed under a waiver under section 6.5(c) of this chapter,~~ **or a joint chief of public safety appointed under IC 36-4-9-8(e)** who is receiving, or is entitled to receive, benefits from the 1925, 1937, 1953, or 1977 fund may receive those benefits while serving as chief, subject to all normal requirements for receipt of a benefit, including a separation from service.

SECTION 11. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member

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of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; **and**

(9) a joint chief of public safety appointed under IC 36-4-9-8(e);

except as provided by section 7 of this chapter.

SECTION 12. IC 36-8-8-12.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12.3. (a) Upon a request from a fund member or from the safety board of the appropriate police or fire department, the local board shall conduct a hearing under section 12.7 of this chapter to determine whether the fund member has a covered impairment.

(b) A covered impairment is an impairment that permanently or temporarily makes a fund member unable to perform the essential function of the member's duties, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, with the police or fire department. However, a covered impairment does not include an impairment:

(1) resulting from an intentionally self-inflicted injury or attempted suicide while sane or insane;

(2) resulting from the fund member's commission or attempted commission of a felony;

(3) that begins within two (2) years after a fund member's entry or reentry into active service with the department and that was caused or contributed to by a mental or physical condition that manifested itself before the fund member entered or reentered active service. Notwithstanding this subdivision, a fund member

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may not be required to satisfy more than one (1) such two (2) year period for the same mental or physical condition; or
(4) that is occasioned, in whole or in part, by the fund member currently engaging (as defined in 29 CFR 1630.3, Appendix) in any of the following:

(A) Use of a controlled substance (as defined in the Controlled Substances Act (21 U.S.C. 812)).

(B) Unlawful use of a prescription drug.

(c) Notwithstanding subsection (b), this subsection applies to the following:

(1) A fund member who is hired after March 1, 1992.

(2) A fund member who was admitted to the 1977 fund after having been covered by another public pension plan as a police officer or firefighter.

For a fund member who is determined by the PERF board to have a Class 3 excludable condition under IC 36-8-8-13.6, a covered impairment does not include an impairment that would be classified as a Class 3 impairment that begins at any time after the fund member's entry or reentry into active service with the department and is related in any manner to the Class 3 excludable condition.

(d) If the local board determines that a covered impairment exists, the **police chief, or the police or fire department chief, or joint chief** shall submit to the local board written determinations of the following:

(1) Whether there is suitable and available work on the appropriate department for which the fund member is or may be capable of becoming qualified, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

(2) For a fund member covered by sections 12.5 and 13.5 of this chapter, the fund member's years of service with the department.

SECTION 13. IC 36-8-8-12.7, AS AMENDED BY P.L.29-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12.7. (a) This section applies to hearings conducted by local boards concerning determinations of impairment under this chapter or of disability under IC 36-8-5-2(g), IC 36-8-6, IC 36-8-7, and IC 36-8-7.5.

(b) At least five (5) days before the hearing, the local board shall give notice to the fund member and the safety board of the time, date, and place of the hearing.

(c) The local board must hold a hearing not more than ninety (90) days after the fund member requests the hearing.

(d) At the hearing, the local board shall permit the fund member and

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1 the safety board to:

- 2 (1) be represented by any individual;
- 3 (2) through witnesses and documents, present evidence;
- 4 (3) conduct cross-examination; and
- 5 (4) present arguments.

6 (e) At the hearing, the local board shall require all witnesses to be
7 examined under oath, which may be administered by a member of the
8 local board.

9 (f) The local board shall, at the request of the fund member or the
10 safety board, issue:

- 11 (1) subpoenas;
- 12 (2) discovery orders; and
- 13 (3) protective orders;

14 in accordance with the Indiana Rules of Trial Procedure that govern
15 discovery, depositions, and subpoenas in civil actions.

16 (g) The local board shall have the hearing recorded so that a
17 transcript may be made of the proceedings.

18 (h) After the hearing, the local board shall make its determinations,
19 including findings of fact, in writing and shall provide copies of its
20 determinations to the fund member and the safety board not more than
21 thirty (30) days after the hearing.

22 (i) If the local board:

- 23 (1) does not hold a hearing within the time required under
- 24 subsection (c); or
- 25 (2) does not issue its determination within the time required under
- 26 subsection (h);

27 the fund member shall be considered to be totally impaired for
28 purposes of section 13.5 of this chapter and, if the issue before the local
29 board concerns the class of the member's impairment, the member shall
30 be considered to have a Class 1 impairment. The PERF board shall
31 review an impairment determined under this subsection as provided in
32 section 13.1 of this chapter.

33 (j) The local board may on its own motion issue:

- 34 (1) subpoenas;
- 35 (2) discovery orders; and
- 36 (3) protective orders;

37 in accordance with the Indiana Rules of Trial Procedure that govern
38 discovery, depositions, and subpoenas in civil actions.

39 (k) At the hearing, the local board may exclude evidence that is
40 irrelevant, immaterial, unduly repetitious, or excludable on the basis of
41 evidentiary privilege recognized by the courts.

42 (l) At the hearing, the local board may request the testimony of

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witnesses and the production of documents.

(m) If a subpoena or order is issued under this section, the party seeking the subpoena or order shall serve it in accordance with the Indiana Rules of Trial Procedure. However, if the subpoena or order is on the local board's own motion, the sheriff of the county in which the subpoena or order is to be served shall serve it. A subpoena or order under this section may be enforced in the circuit or superior court of the county in which the subpoena or order is served.

(n) With respect to a hearing conducted for purposes of determining disability under IC 36-8-6, IC 36-8-7, or IC 36-8-7.5, the determination of the local board after a hearing is final and may be appealed to the court.

(o) With respect to a hearing conducted for purposes of determining impairment or class of impairment under this chapter, the fund member may appeal the local board's determinations. An appeal under this subsection:

(1) must be made in writing;

(2) must state the class of impairment and the degree of impairment that is claimed by the fund member;

(3) must include a written determination by the **police chief, or the police or fire department chief, or joint chief** stating that there is no suitable and available work; and

(4) must be filed with the local board and the PERF board's director no later than thirty (30) days after the date on which the fund member received a copy of the local board's determinations.

(p) To the extent required by the Americans with Disabilities Act, the transcripts, records, reports, and other materials generated as a result of a hearing, review, or appeal conducted to determine an impairment under this chapter or a disability under IC 36-8-6, IC 36-8-7, or IC 36-8-7.5 must be:

(1) retained in the separate medical file created for the member; and

(2) treated as a confidential medical record.

(q) If a local board determines that a fund member described in section 13.3(a) of this chapter has a covered impairment, the local board shall also make a recommendation to the 1977 fund advisory committee concerning whether the covered impairment is an impairment described in section 13.3(c) of this chapter or whether it is an impairment described in section 13.3(d) of this chapter. The local board shall forward its recommendation to the 1977 fund advisory committee.

(r) The 1977 fund advisory committee shall review the local board's

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1 recommendation not later than forty-five (45) days after receiving the
 2 recommendation and shall then issue an initial determination of
 3 whether the disability is in the line of duty or not in the line of duty.
 4 The 1977 fund advisory committee shall notify the local board, the
 5 safety board, and the fund member of its initial determination.

6 (s) The fund member, the safety board, or the local board may object
 7 in writing to the 1977 fund advisory committee's initial determination
 8 under subsection (r) not later than fifteen (15) days after the initial
 9 determination is issued. If a written objection is not filed, the 1977 fund
 10 advisory committee's initial determination becomes final. If a timely
 11 written objection is filed, the 1977 fund advisory committee shall issue
 12 a final determination after a hearing. The final determination must be
 13 issued not later than one hundred eighty (180) days after the date of
 14 receipt of the local board's recommendation.

15 SECTION 14. IC 36-8-8-13.1, AS AMENDED BY P.L.29-2006,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2010]: Sec. 13.1. (a) If:

18 (1) the local board has determined under this chapter that a
 19 covered impairment exists and the safety board has determined
 20 that there is no suitable and available work within the department,
 21 considering reasonable accommodation to the extent required by
 22 the Americans with Disabilities Act; or

23 (2) the fund member has filed an appeal under section 12.7(o) of
 24 this chapter;

25 the local board shall submit the local board's determinations and the
 26 safety board's determinations to the PERF board's director.

27 (b) Whenever a fund member is determined to have an impairment
 28 under section 12.7(i) of this chapter, the PERF board's director shall
 29 initiate a review of the default award not later than sixty (60) days after
 30 the director learns of the default award.

31 (c) After the PERF board's director receives the determinations
 32 under subsection (a) or initiates a review under subsection (b), the fund
 33 member must submit to an examination by a medical authority selected
 34 by the PERF board. The authority shall determine if there is a covered
 35 impairment. With respect to a fund member who is covered by sections
 36 12.5 and 13.5 of this chapter, the authority shall determine the degree
 37 of impairment. The PERF board shall adopt rules under IC 4-22-2 to
 38 establish impairment standards, such as the impairment standards
 39 contained in the United States Department of Veterans Affairs
 40 Schedule for Rating Disabilities. The report of the examination shall be
 41 submitted to the PERF board's director. If a fund member refuses to
 42 submit to an examination, the authority may find that no impairment

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exists.

(d) The PERF board's director shall review the medical authority's report and the local board's determinations and issue an initial determination within sixty (60) days after receipt of the local board's determinations. The PERF board's director shall notify the local board, the safety board, and the fund member of the initial determination. The following provisions apply if the PERF board's director does not issue an initial determination within sixty (60) days and if the delay is not attributable to the fund member or the safety board:

(1) In the case of a review initiated under subsection (a)(1):

(A) the determinations of the local board and the **police chief, of the police or fire department chief, or joint chief** are considered to be the initial determination; and

(B) for purposes of section 13.5(d) of this chapter, the fund member is considered to be totally impaired.

(2) In the case of an appeal submitted under subsection (a)(2), the statements made by the fund member under section 12.7(o) of this chapter are considered to be the initial determination.

(3) In the case of a review initiated under subsection (b), the initial determination is the impairment determined under section 12.7(i) of this chapter.

(e) The fund member, the safety board, or the local board may object in writing to the director's initial determination within fifteen (15) days after the determination is issued. If no written objection is filed, the initial determination becomes the final order of the PERF board. If a timely written objection is filed, the PERF board shall issue the final order after a hearing. The final order shall be issued not later than one hundred eighty (180) days after the date of receipt of the local board's determination or the date the PERF board's director initiates a review under subsection (b). The following provisions apply if a final order is not issued within one hundred eighty (180) days and if the delay is not attributable to the fund member or the chief of the police or fire department:

(1) In the case of a review initiated under subsection (a)(1):

(A) the determinations of the local board and the chief of the police or fire department are considered to be the final order; and

(B) for purposes of section 13.5(d) of this chapter, the fund member is considered to be totally impaired.

(2) In the case of an appeal submitted under subsection (a)(2), the statements made by the fund member under section 12.7(o) of this chapter are considered to be the final order.

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1 (3) In the case of a review initiated under subsection (b), the
2 impairment determined under section 12.7(i) of this chapter is
3 considered to be the final order.

4 (f) If the PERF board approves the director's initial determination,
5 then the PERF board shall issue a final order adopting the initial
6 determination. The local board and the chief of the police or fire
7 department shall comply with the initial determination. If the PERF
8 board does not approve the initial determination, the PERF board may
9 receive additional evidence on the matter before issuing a final order.

10 (g) Appeals of the PERF board's final order may be made under
11 IC 4-21.5.

12 (h) The transcripts, records, reports, and other materials compiled
13 under this section must be retained in accordance with the procedures
14 specified in section 12.7(p) of this chapter.

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